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Attorneys for Penson Development, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
FRANK FARRICKER,	:
	:
Plaintiff,	:
	:
v.	:
	:
PENSON DEVELOPMENT, INC.,	:
	:
Defendant.	:
-----X	

ECF Case  
Civil Action No:  
07-CV-11191 (DAB)  
STIPULATION AND  
(PROPOSED) ORDER  
SUBSTITUTING COUNSEL

IT IS HEREBY STIPULATED AND AGREED by the undersigned that Pryor Cashman LLP is hereby substituted for Herrick, Feinstein LLP as attorneys of record for Defendant Penson Development, Inc. in the above-captioned action.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed in counterparts, and that facsimile or electronic/PDF signatures herein shall have the same force and effect as original signatures.

Dated: New York, New York  
January 17, 2008

By: \_\_\_\_\_

Carol M. Goodman  
Christopher P. Greeley

Herrick, Feinstein LLP  
2 Park Avenue  
New York, New York 10016

By: \_\_\_\_\_

Jamie M. Brickell  
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PENSON DEVELOPMENT, INC.

By: 

Edward Penson  
President & CEO  
Penson Development, Inc.  
275 Madison Avenue  
New York, New York 10017

SO ORDERED:

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Hon. Deborah A. Batts, U.S.D.J.

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PENSON DEVELOPMENT, INC.,	:	
	:	
Defendant.	:	
-----X	:	

**LOCAL RULE 1.4 DECLARATION IN SUPPORT OF  
APPLICATION FOR LEAVE TO SUBSTITUTE COUNSEL**

JAMIE M. BRICKELL states the following, subject to the penalties of perjury pursuant to 28 U.S.C. §1746:

1. I am a member of the bar of this Court and of the law firm of Pryor Cashman LLP ("Pryor Cashman"). I submit this declaration pursuant to Local Rule 1.4 of the Rules of this Court and in support of an application of the defendant Penson Development, Inc. ("Penson") in above-captioned action (the "Action") for an order substituting Pryor Cashman for Herrick, Feinstein ("Herrick") as Penson's counsel of record.


2. The posture of the Action is that plaintiff Frank Farricker filed a complaint (the "Complaint") on or about December 12, 2007. By stipulation between the parties, Herrick accepted

service of the Complaint and agreed that Penson would answer, move or otherwise respond to the Complaint on or before January 16, 2008. Pursuant to a second stipulation, the parties extended Penson's time to answer or respond to January 23, 2008.

3. The substitution of Pryor Cashman is being effected upon the consent of Penson and of Herrick. A stipulation providing for substitution of counsel executed by Penson, Herrick and Pryor Cashman accompanies this declaration.

WHEREFORE, I respectfully request that the application be granted and the Order of Substitution entered.

Dated: New York, New York  
January 17, 2008



JAMIE M. BRICKELL